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10 **UNITED STATES BANKRUPTCY COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **LOS ANGELES DIVISION**

13 In re:

Case No.: 2:21-bk-18205-DS

14 CRESTLLOYD, LLC,

Chapter 11 Case

15 Debtor and Debtor in Possession.

**DEBTOR'S OPPOSITION TO "MOTION FOR
ORDER OF CONFIRMATION OF SALE"**

[No hearing set]

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24 Crestlloyd, LLC, the Chapter 11 debtor and debtor in possession herein (the "Debtor"),
25 hereby files its Opposition to the "Motion For Order of Confirmation of Sale" [Docket No. 133]
26 ("Motion") filed by "Edward Roark Schwageri" ("Schwageri").
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1 The Motion and the filing of the Motion by Schwageri is a bizarre and confusing event.
2 The Debtor and its representatives do not know the individual that describes himself as Schwageri.
3 The Debtor has not engaged in any transactions with Schwageri. The Debtor did not authorize
4 Schwageri to file the Motion. However, between the Motion, and the recently filed pleadings
5 referenced as Docket Nos. 128 and 132 by an individual identified as Andre Mario Smith, it appears
6 that parties unrelated to the Debtor's bankruptcy case are attempting to stop the Court-ordered auction
7 or, worse, transfer the property out of the estate to a third party for no consideration and without a
8 Court order.

9 Pursuant to Section 363(b)(1) of the Bankruptcy Code, only a trustee [or debtor-in-
10 possession pursuant to Section 1107] may file a motion to sell property of the bankruptcy estate. It is
11 undisputable that the property in question is property of the Debtor's bankruptcy estate pursuant to
12 Section 541 of the Bankruptcy Code. It is also undisputable that the Debtor has not filed the Motion.
13 For the foregoing reasons, alone, the Motion must be denied.

14 However, the recently filed pleadings by Schwageri and Smith appear to indicate that
15 actions have already been taken to transfer the property, including Smith's reference [Docket No. 126]
16 to certain actions taken on February 16, 2022. As of the date of filing this Opposition, the County
17 Recorder's records have not been sufficiently updated to indicate the status of any alleged transfer.
18 However, in an overabundance of caution, the Debtor respectfully requests that the Court, in addition
19 to denying the Motion, issue an order that any transfers of property of the Debtor's estate, including,
20 without limitation, the real property located at 944 Airole Way, Los Angeles, CA 90077, after the date
21 of the Debtor's bankruptcy filing (October 26, 2021) is void *ab initio* absent an order of the Court.

22 Dated: February 25, 2022

CRESTLLOYD, LLC

23 /s/ David B. Golubchik

24 DAVID B. GOLUBCHIK

25 TODD M. ARNOLD

LEVENE, NEALE, BENDER, YOO

& GOLUBCHIK L.L.P.

26 Attorneys for Debtor and Debtor in Possession
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled **DEBTOR'S OPPOSITION TO "MOTION FOR ORDER OF CONFIRMATION OF SALE"** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **February 25, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Kyra E Andrassy kandrassy@swelawfirm.com, lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- Todd M Arnold tma@lnbyg.com
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- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
- Jessica Wellington jwellington@bg.law, ecf@bg.law

1 **2. SERVED BY UNITED STATES MAIL:** On **February 25, 2022**, I served the following persons and/or
2 entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true
3 and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and
4 addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be
5 completed no later than 24 hours after the document is filed.

6 *None.*

7 ☐ *Service information continued on attached page*

8 **3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR**
9 **EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR,
10 on **February 25, 2022**, I served the following persons and/or entities by personal delivery, overnight mail
11 service, or (for those who consented in writing to such service method), by facsimile transmission and/or
12 email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight
13 mail to, the judge will be completed no later than 24 hours after the document is filed.

14 *None.*

15 I declare under penalty of perjury under the laws of the United States of America that the foregoing is
16 true and correct.

17 February 25, 2022

18 *Date*

19 Stephanie Reichert

20 *Type Name*

21 /s/ Stephanie Reichert

22 *Signature*